

FROM:

JAMES C. HILL  
3 MACKENZIE DRIVE  
NEWARK, DE 19711-1505

FILED  
CLERK U.S. DISTRICT COURT  
DISTRICT OF DELAWARE  
2005 NOV -9 AM 8:38

11/9/05

Reference:

- (1) CIV. NO. 05-452-JJF (HILL V. SuperFresh)
- (2) PLAINTIFF LETTER dtd. 10/4/05 - PROOF OF SERVICE

TO:

ROOM 4209 - OFFICE OF CLERK OF THE COURT

THIS MESSAGE IS TO NOTIFY THE COURT THAT THE DEFENDANT HAS NOT RESPONDED TO THE WAIVER OF SERVICE AFTER SIXTY (60) DAYS AFTER THE REQUEST FOR WAIVER OF SERVICE WAS SENT (RULE 4(d)(3)).

REFERENCE (2) WHICH IS IN THE COURT'S RECORDS SHOWS THE SUMMONS PROOF OF SERVICE WAS MAILED TO THE DEFENDANT ON 9/3/05.

THEREFORE, UNDER THE RULES OF CIVIL PROCEDURE, THE PLAINTIFF REQUESTS THE COURT ISSUE THE SUMMONS AND THAT SERVICE BE EFFECTED BY A U.S. MARSHALL, DEPUTY U.S. MARSHALL, OR OTHER PERSON OR OFFICER SPECIALLY APPOINTED BY THE COURT FOR THAT PURPOSE. IT IS REQUESTED THAT THE DEFENDANT BE NOTIFIED THAT ANOTHER FAILURE TO RESPOND WILL RESULT IN A JUDGMENT BY DEFAULT FOR RELIEF IN THE AMOUNT OF \$32,864.

Sincerely,  
James C. Hill